

REMARKS

According to the Official Action Claims 1-16 are rejected under 35 USC 103(a) as being unpatentable over US Patent 6,699,997. This is respectfully traversed.

This reference discloses a process for the preparation of Carvedilol by reaction of 4-(oxiran-2-ylmethoxy)-9H-carbazole (compound of formula II) with 2-(2-methoxyphenoxy)ethylamine (compound of formula III), wherein 2-(2-methoxyphenoxy)ethylamine is used in higher molar excess than claimed in the present invention. Although in column 6, it is disclosed that the ratio of the compound of formula II to the compound of formula III is preferably 1:1.5 to 1:100, the preferred molar ratio is 1:2.8 to about 1:6. In the present invention a reduced quantity of 2-(2-methoxyphenoxy)ethylamine is used so that the molar ratio of II to III is 1:1.5 to about 1:1.45. It is unexpected that use of a reduced quantity of 2-(2-methoxyphenoxy)ethylamine results in a higher purity of Carvedilol. The claimed invention is advantageous over the '997 patent as it results in the production of Carvedilol that is of higher purity than that obtained using the process of '997 patent. This result is unexpected. As set out in MPEP 2143.02 unexpected results is a basis for rebutting an obviousness rejection.

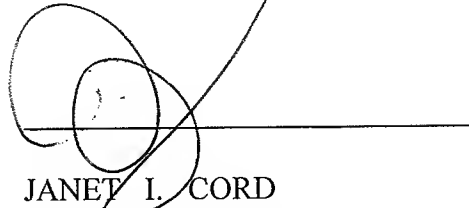
Furthermore, as the examiner notes, in the claimed process additional steps are required.

Therefore, given the differences between the processes and the unexpected results, it is respectfully requested that the rejection be withdrawn.

It is submitted that the present application is in condition for allowance and

favorable consideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'C' that overlap. The signature is written over a horizontal line.

JANET I. CORD
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, N.Y. 10023
REG.NO.33,778(212)708-1935